



~~February 20, 2007 CPC~~
~~May 15, 2007 CPC~~
~~June 19, 2007 CPC~~
July 25, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0141

Enon LLC

Bermuda Magisterial District
Enon Elementary; Chester Middle; and Thomas Dale High Schools Attendance Zones
East line of North Enon Church Road

- REQUESTS: I. Rezoning from Agricultural (A) to Community Business (C-3) with Conditional Use to permit townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.
- II. Waiver to street connectivity requirements to Chestnut, Dover and York Streets.

PROPOSED LAND USE:

A mixture of residential uses, to include townhomes and cluster homes, community recreational uses and commercial uses are planned. A maximum of 130 dwelling units is proposed yielding a density of approximately 2.65 dwelling units per acre. (Proffered Condition 2)

PLANNING COMMISSION RECOMMENDATION

- I. RECOMMEND APPROVAL OF THE REZONING AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 6.
- II. RECOMMEND APPROVAL OF THE WAIVER TO STREET CONNECTIVITY REQUIREMENTS.

STAFF RECOMMENDATION

Request I: Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Consolidated Eastern Area Plan which suggests the property is appropriate for community mixed use and residential use of 4.0 dwellings per acre or less, and the tree preservation areas within the limits of individual lots will be difficult to enforce.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Request II: Recommend denial of the waiver to street connectivity requirements to Chestnut, Dover and York Streets for the following reasons:

- A. No justification for granting this waiver has been provided with this request. In addition, the evaluation of the Policy criteria for granting such relief necessitates design details that can best be provided through the subdivision review process.
- B. Failure to provide a public road connection, does not address health, safety and welfare concerns of the Environmental Engineering and Fire Departments.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (STAFF/CPC) 1. Master Plan. The Textual Statement dated August 14, 2006 and revised June 18, 2007, shall be considered the Master Plan. (P)
- (STAFF/CPC) 2. Density. The total number of dwelling units shall not exceed 130 dwelling units. (P)
- (STAFF/CPC) 3. Connectivity. There shall be no public road access to Chestnut Street, York Street and Dover Street. An emergency access road shall be provided from the property to Dover Street prior to the occupancy of more than fifty (50) units. This road shall be constructed to accommodate access in case of emergency and shall be gated to preclude its use other than during emergency situations. Furthermore, the Dover Street right of way shall be improved to

accommodate access in case of emergency. The exact design, location and maintenance provisions of this access shall be reviewed and approved by the Fire Department at the time of tentative subdivision plan review. (P & F)

- (STAFF/CPC) 4. Open Space. A minimum of fifteen (15) percent of the gross acreage shall be recorded as open space. (P)
- (STAFF/CPC) 5. Foundations. All exposed portions of the foundation and exposed piers supporting front porches of each dwelling unit shall be faced with brick, decorative masonry or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
- (STAFF/CPC) 6. Special Setbacks and Buffers.
- A. A twenty (20) foot tree preservation strip shall be provided along the southern property line of any residential lot having an area of 12,000 square feet or greater. This strip shall be shown on the record plat.
 - B. A twenty (20) foot landscaped setback shall be maintained along the southern property line immediately adjacent to any residential lot having an area of less than 12,000 square feet. This setback shall be landscaped in accordance with Landscape “F” of the Zoning Ordinance except that a six (6) foot high board on board privacy fence shall be permitted in lieu of the screening options in Section 19-518 (g)(8)c. The landscaping and fence shall be installed concurrent with the initial phase of residential development. This setback shall be located within recorded open space and shall be shown on the record plat for each lot adjacent to the setback. (P)
- (STAFF/CPC) 7. Utilities. Public water and wastewater systems shall be used. A waterline stub and fire hydrant shall be provided at the terminus of Dover Street. (U)
- (STAFF/CPC) 8. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
- A. Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for

infrastructure improvement within the service district for the property:

- i. If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit;
 - ii. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
- B. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
- C. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)

(STAFF/CPC) 9. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

(STAFF/CPC) 10. Drainage. At time of subdivision or site plan review the developer shall provide to the Environmental Engineering Department proof of the following calculation and/or provide for improvements as follows:

- A. The developer must analyze the culverts under Burgess Road that are generally located 300 feet north of Route 10, for a 10 year and 100 year storm.
- B. If the 100 year storm tops Burgess Road, the developer, at time of the first phase of construction, must provide a temporary means of ingress and egress until that time which a permanent access is tied into Burgess to the North or upgrade the pipes to pass the 100 year if no access is allowed.

- C. If a permanent access is allowed north of the creek, the developer must still upgrade the pipes if the study determines they cannot pass a 10 year storm to meet current VDOT criteria for secondary roads. (EE)

(STAFF/CPC) 11. Road Improvements. The developer shall be responsible for the following:

- A. Construction of additional pavement along Enon Church Road at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
- B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any “off-site” right-of-way that is necessary for any improvement described in Proffered Condition 11.A., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)

(STAFF/CPC) 12. Phasing Plan. Prior to any construction plan approval or prior to any site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 11, shall be submitted to and approved by the Transportation Department. (T)

(STAFF/CPC) 13. Public Roads. In residential development, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)

(STAFF/CPC) 14. Prior to any site plan approval, in conjunction with recordation of the initial subdivision plat or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right of way measured from the centerline of North Enon Church Road adjacent to the property shall be

dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

- (STAFF/CPC) 15. Direct vehicular access from the property to North Enon Church Road shall be limited to one (1) public road located at the southern property line. (T)
- (STAFF/CPC) 16. Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that the adjacent landowners have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for appeals to the Planning Commission shall not commence until such certification has been provided. (P)

GENERAL INFORMATION

Location:

East line of North Enon Church Road, north of East Hundred Road. Tax IDs 824-648-6539 and 826-648-3681.

Existing Zoning:

A

Size:

56.7 acres

Existing Land Use:

Single family residential and vacant

Adjacent Zoning and Land Use:

North - A & I-1; CSX Railroad, single family residential or vacant
South, East & West - A & R-7; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing twenty (20) inch water line extending along North Enon Church Road that terminates adjacent to this site. The applicant has proffered to use the public water

system (Proffered Condition 7). Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots.

Public Wastewater System:

The request site is within the Johnson Creek drainage basin. There is an existing eight (8) inch wastewater collector line that terminates adjacent to the north side of East Hundred Road at the existing Breez-In Convenience Store approximately 1,050 feet south of this site. The applicant's engineer will need to determine if adequate capacity remains in this line for the requested level of development. Any wastewater system improvements deemed necessary will be the responsibility of the developer. Use of the public wastewater system has been proffered by the applicant. (Proffered Condition 7)

ENVIRONMENTAL

Drainage and Erosion:

The majority of the property drains to the west/southwest along North Enon Church Road and then to the east under Burgess Road before entering Johnson's Creek. The property is currently wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering and the appropriate devices are installed. (Proffered Condition 9)

The culverts under Burgess Road may not be adequate to pass a 10-year storm. In addition, Burgess Road is an isolated road with one way in and one way out. A single access for emergency vehicles is a concern. A second public access should be provided for access during a 100-year storm or the culverts under Burgess Road should be upgraded to accommodate access during a 100-year storm. The developer has offered to analyze the culverts under the road and if the 100-year storm tops Burgess Road, to provide temporary access for emergency purposes until a permanent access is provided to the north or, if no access to the north is provided, to upgrade the pipes to pass the 100-year storm (Proffered Condition 10). Even if a permanent access is provided to the north, the developer agrees to upgrade the pipes to pass a 10-year storm if they are not currently adequate. (Proffered Condition 10)

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. The residential portion of this development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6)

new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 130 dwelling units, this request will generate approximately thirty-two (32) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 8)

The Fire Department does not support the waiver to connectivity to Chestnut, Dover and York Streets. Having interconnectivity should improve public safety response times to residents by providing multiple means of access. The applicant has proffered the use of an emergency access to Dover Street (Proffered Condition 3). The Fire Department does not support the use of an emergency access in lieu of meeting the Connectivity Policy requirements.

The applicant has indicated an intent to seek relief during subdivision review to the Subdivision Ordinance requirement that a second public street access be constructed prior to or in conjunction with the recordation of the fifty-first (51st) lot. The Fire Department does not support use of an emergency access to meet the requirements for a second public street, as required by the Subdivision Ordinance.

The Enon Fire Station, Company Number 6, and the Rivers Bend Fire Station currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately sixty-nine (69) (Elementary: 30, Middle: 17, and High: 22) students will be generated by this development. Currently, this site lies in the Enon Elementary School attendance zone: capacity - 562, enrollment – 592; Chester Middle School zone: capacity – 864, enrollment – 1,005; and Thomas Dale High School zone: capacity - 1,851, enrollment - 2,399. The enrollment is based on September 29, 2006, and the capacity is as of 2006-2007.

This request will have an impact at the elementary and secondary levels. There are currently four (4) trailers at Enon Elementary, six (6) at Chester Middle and eight (8) at Thomas Dale High Schools.

The new Elizabeth N. Scott Elementary School is scheduled to open this fall and the new Elizabeth B. Davis Middle School is scheduled to open in 2008. The new elementary school will provide relief for elementary schools in the Chester area and the new middle school will provide relief for Chester and Carver Middle Schools. This area of the county continues to experience growth and these schools will provide much needed space. This case combined with other residential developments and zoning cases in the area will continue to push these schools over capacity, necessitating some form of relief in the future.

The applicant has addressed the impact of the development on schools with Proffered Condition 8.

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Chesterfield County Public Facilities Plan (2004) identifies a need for additional library space throughout the County. Development of the property noted in this case would affect the Enon Library. The Public Facilities Plan identifies a need for additional library space at this location. The applicant has offered measures to assist in addressing the impact of this request on library facilities. (Proffered Condition 8)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites. The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreational facilities. (Proffered Condition 8)

Transportation:

The property is located on the east side of North Enon Church Road just south of the CSX Railroad tracks. The applicant is requesting rezoning that would permit a mixture of residential and commercial uses. The applicant has proffered a maximum residential density of 130 units (Proffered Condition 2). The Textual Statement limits retail uses to a maximum of 40,000 square feet (Textual Statement IV.A.2.a.v). Based on these uses and densities, the development could generate approximately 5,000 average daily trips (ADT). These vehicles will initially be distributed along North Enon Church Road, which had a 2006 traffic count of 4,261 vehicles per day and was functioning at an acceptable level. (Level of Service C)

The Thoroughfare Plan identifies North Enon Church Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way measured from the centerline of North Enon Church Road adjacent to the property in accordance with this Plan. (Proffered Condition 14)

Development must adhere to the Zoning Ordinance relative to access and internal circulation. Access to major arterials, such as North Enon Church Road, should be controlled. The applicant has proffered to limit direct access from the property to North

Enon Church Road to one (1) public road located at the southern property line. (Proffered Condition 15)

The Zoning Ordinance allows streets within townhouse developments to be privately maintained. Staff recommends that all of the main streets within this project be accepted into the State Highway System. Having these streets accepted into the State Highway System will ensure their long-term maintenance. The applicant has proffered that all streets which accommodate general traffic circulation will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System. (Proffered Condition 13)

The traffic impact of this development must be addressed. The applicant has proffered to construct turn lanes along North Enon Church Road at the public road intersection and dedicate any additional right-of-way required for these improvements (Proffered Condition 11). Construction of the turn lanes may require some off-site right of way. According to Proffered Condition 11, if the developer needs off-site right-of-way for construction of the turn lanes and is unable to acquire it, the developer may request the county to acquire the right-of-way as a public road improvement. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the off-site right-of-way and will only be obligated to construct road improvements within available right-of-way. Construction of the left turn lane may require permits from CSX to perform work within the railroad right of way.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has also proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 8). Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. There are no public road improvements for this area currently included in the Six-Year Improvement Program.

During tentative subdivision plan review, specific recommendations will be made regarding sidewalks and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	130*	1.00
Population Increase	353.60	2.72
Number of New Students		
Elementary	30.29	0.23
Middle	16.90	0.13
High	21.97	0.17
TOTAL	69.16	0.53
Net Cost for Schools	695,240	5,348
Net Cost for Parks	78,520	604
Net Cost for Libraries	45,370	349
Net Cost for Fire Stations	52,650	405
Average Net Cost for Roads	1,162,460	8,942
TOTAL NET COST	2,034,240	15,648

* Based on a proffered maximum yield of 130 dwelling units (Proffered Condition 2). The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 8)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the portion of the request property adjacent to Enon Church Road is appropriate for

community mixed use and the remainder of the request property is appropriate for residential use of 4.0 dwellings per acre or less.

Area Development Trends:

Properties to the north are zoned Agricultural (A) and Light Industrial (I-1) and are occupied by single family residential use on acreage parcels, CSX Railroad or are vacant. Properties to the south, east and west are zoned Residential (R-7) and Agricultural (A) and are occupied by single family residential use on acreage parcels and within Homeacres Subdivision, or are vacant. It is anticipated that a mixture of community scale commercial uses and residential uses will develop in the area as recommended by the Plan.

Site Design:

The 56.7 acre tract proposed for C-3 zoning may be developed for townhouses, cluster homes, single family residential uses and/or commercial uses. The development will have design features which include sidewalks, street trees, open spaces and a focal point. In addition, development will be generally as depicted on Exhibit A, as described in the Textual Statement and as provided in the proffered conditions.

The request property lies within an Emerging Growth District Area. Any commercial development of the request property would be subject to the Zoning Ordinance requirements for development within an Emerging Growth District area, except as provided for in the Textual Statement (Textual Statement IV.A.2.). The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. Development of the site must conform to the development standards of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers utilities and screening of dumpsters and loading areas.

Cluster Standards:

The requirements offered for the project to provide sidewalks, landscaped driveways, street trees, open space, setbacks for front loaded garages and a focal point are consistent with those typically required by the Planning Commission and Board of Supervisors on similar projects recently approved where exceptions to Ordinance development standards are requested. (Proffered Condition 4 and Textual Statement III.B. – F.)

Density:

Proffered Condition 2 limits residential development to a maximum of 130 dwelling units yielding a density of approximately 2.65 dwelling units per acre.

Commercial development is limited to a maximum of 40,000 square feet with each tenant space limited to a maximum of 12,000 square feet. (Textual Statement IV.A.2.a.v.)

Dwelling Types:

As previously noted, single family dwellings, townhouses and cluster homes are proposed. These uses will be developed as follows:

Townhouses:

Townhouses are proposed on individual lots having a minimum area of not less than 1,520 square feet. Other standards include lot width, lot coverage, setbacks, and group or row design. (Textual Statement IV.B.)

Cluster Homes:

Cluster homes are proposed on individual lots having a minimum area of not less than 2,700 square feet. Other standards include setbacks, lot width, lot coverage and minimum dwelling size. (Textual Statement IV.C.)

Commercial Use Limitations and Architectural Standards:

The Textual Statement limits commercial uses that would be permitted (Textual Statement IV.A.1.). In addition, to address concerns of area residents and the Bermuda District Commissioner, the architectural treatment of the commercial buildings will be required to be compatible with the Rivers Bend II development. (Textual Statement III.H.)

Recreational Areas:

Active and passive recreational uses to serve the proposed residential development would be permitted throughout the development. The Textual Statement provides limitations on the use of outside public address systems or speakers and establishes setbacks and buffers for these uses. (Textual Statement III.A.)

Street Connectivity:

An exception to the “Residential Subdivision Connectivity Policy” is requested so as to preclude any road connections to Chestnut, Dover and York Streets (Proffered Condition 3). In addition to promoting fire and emergency services safety, subdivision road connections provide interconnectivity between residential developments, thereby reducing congestion along collector and arterial roads and providing a convenient and safe access to neighboring properties.

An emergency access is proposed at Dover Street (Proffered Condition 3). An emergency access does not promote interconnectivity between residential developments as the Policy suggests nor does it address health, safety and welfare concerns of the Environmental Engineering and Fire Departments.

The “Policy” allows the Board, through the Commission’s recommendation, to waive the requirement for streets in new subdivisions to connect to adjacent public streets that are designed as local streets, residential collectors and thoroughfare streets. Staff must evaluate this waiver based upon three (3) criteria: (1) there must be a sufficient number of other stub streets to adequately disperse traffic and not cause a concentrated use of any one (1) stub street; or (2) the connection to a particular stub will cause concentrated traffic at that location; (3) the projected traffic volume on any one (1) local street within an existing subdivision exceeds 1,500 vehicle trips per day.

Without additional design information relative to road layout, staff cannot determine if the criteria for granting such a waiver can be met. Therefore, it is recommended that this waiver not be granted at this time and that consideration of this waiver be evaluated during the plans review process when more detail is available.

Alleys:

Alleys may be provided throughout the development. The Textual Statement contains language establishing minimum standards for alleys (Textual Statement III.F.). The location and design of alleys is best addressed during plan review when more details are known; therefore, this language should be omitted from the Textual Statement.

House Sizes and Foundation Treatments:

Proffered Condition 5 and Textual Statement IV.C.7. require minimum house sizes for single family residential use and establish minimum foundation treatments for dwellings.

Tree Preservation and Landscaping Areas:

To address concerns of adjacent property owners relative to a vegetated separation between their properties and the dwellings within the proposed development, Proffered Condition 6.A. requires a tree preservation strip along the southern property line of any lots having an area of 12,000 square feet or more. This tree preservation strip will be included within the limits of the proposed lots. It has been staff’s experience that individual homeowners clear these areas resulting in a zoning violation on that individual lot. The retention of trees within this strip will be difficult, if not impossible, for the County to enforce.

Also to address these same concerns of adjacent property owners, Proffered Condition 6.B. requires a landscaped setback be maintained along the southern property line immediately adjacent to any residential lot having an area of less than 12,000 square feet. This setback will be located within recorded open space and will be landscaped in accordance with the requirements of Landscape F of the Zoning Ordinance except that a solid board on board fence will be installed. (Proffered Condition 6.B.)

Adjacent Property Owner Notification:

Proffered Condition 16 requires the developer to notify adjacent property owners of submission of any tentative subdivision plans to the County.

CONCLUSIONS

The proposed zoning and land uses conform to the Consolidated Eastern Area Plan which suggests the property is appropriate for community mixed use and residential use of 4.0 dwellings per acre or less. As stated herein, it is suggested that concerns relative to alleys and tree preservation areas be addressed.

The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens. Therefore, Staff recommends approval of the rezoning.

Staff recommends denial of the waiver to street connectivity requirements. The application fails to address connectivity per the Board's adopted "Residential Subdivision Connectivity Policy", as discussed herein. Evaluation of the Policy criteria for granting such relief necessitates design detail that can best be evaluated through the subdivision review process.

CASE HISTORY

Planning Commission Meeting (2/20/07):

At the request of the applicant, the Commission deferred this case to May 15, 2007.

Applicant (2/20/07):

Revised and additional proffered conditions and revisions to the textual statement were submitted.

Staff (2/21/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than March 12, 2007, for consideration at the Commission's May 15, 2007, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant, Staff, Area Property Owners and Bermuda District Commissioner (3/1/07):

A meeting was held to discuss the request. Area citizens expressed concerns relative to additional traffic on Burgess Road, over crowded schools and drainage.

Applicant (3/16/07):

A revised exhibit was submitted.

Applicant (4/4/07):

The deferral fee was paid.

Applicant (4/10/07):

Revised and additional proffered conditions and revisions to the textual statement were submitted.

Applicant, Staff, Area Property Owners and the Bermuda District Commissioner (4/19/07):

A meeting was held to discuss the proposal. Area citizens expressed concerns relative to additional traffic on Burgess Road and the availability of public water for emergency purposes.

Applicant (4/27/07):

Revised and additional proffered conditions and revisions to the textual statement were submitted.

Applicant (4/30/07):

A deferral was requested.

Planning Commission Meeting (5/15/07):

On their own motion, the Commission deferred this case to their June 19, 2007, public hearing.

Staff (5/16/07):

The applicant was advised in writing that any new or revised information should be submitted no later than May 21, 2007, for consideration at the Commission's June 19, 2007, meeting.

Applicant (5/29/07 and 5/31/07):

Revisions to proffered conditions, the Textual Statement and Exhibit A were submitted.

Applicant (6/5/07 and 6/19/07):

Revisions to proffered conditions and Textual Statement were submitted.

Planning Commission Meeting (6/19/07):

The applicant accepted the Planning Commission's recommendation. There was support present indicating that the waiver to street connectivity requirements would alleviate any traffic burden from the development on Burgess Road residents.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission recommended approval of the rezoning and acceptance of the proffered conditions on pages 2 through 6.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval of the waiver to street connectivity requirements.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, July 25, 2007, beginning at 6:30 p.m., will take under consideration this request.

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TEXTUAL STATEMENT
ENON LLC
CASE 07SN0141
August 14, 2006
Revised October 10, 2006
Revised October 24, 2006
Revised February 20, 2007
Revised April 5, 2007
Revised April 25, 2007
Revised May 15, 2007
Revised May 29, 2007
Revised May 31, 2007

I. Rezone from A to C-3 with a Conditional Use to permit residential and townhouse uses and Conditional Use Planned Development (“CUPD”) to permit exceptions to Ordinance requirements as set forth below.

II. General Conditions

- A. The development shall have a cluster design which includes reduced size lots, sidewalks, street trees, and open space.
- B. To accommodate the orderly development of the Property, the uses shall be located as generally depicted on Exhibit A, but their location and size may be modified so long as the uses generally maintain their relationship with each other and any adjacent properties. Any substantial adjustment to Exhibit A shall be submitted to the Planning Commission for review and approval. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals.

III. Requirements and Exceptions for All uses

- 1. Except for driveways and street trees, if any of the following facilities are to be provided they shall be identified on the record plat for any lot adjacent to such facilities.

A. Recreational Facilities.

- 1. Recreational facilities shall be permitted. These uses shall be limited to facilities and uses that primarily serve the surrounding residential community including but not limited to passive recreation (i.e. picnic areas, trails, paths, sidewalks, ponds, and open space) and active facilities (i.e. swimming pools, tennis courts, basketball courts, volleyball courts, playgrounds, and clubhouses).
- 2. Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and shall only be used in conjunction with a pool.
- 3. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed single family or 200 feet from any existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor

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facilities and/or parking within the 100 foot setback. Within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. These buffers and setbacks may be modified by the Planning Commission at the time of plan review.

4. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. These setbacks and buffers may be modified by the Planning Commission at the time of plan review.
- B. Street Trees. Street trees shall be provided along both sides of all public roads within the development.
- C. Sidewalks. Sidewalks and trails shall be provided that facilitate pedestrian access within the development. Generally, sidewalks shall be located on both sides of public roads.
- D. Focal Point. A minimum of 0.75 acres of open space shall be provided to establish a “focal point”. Part of the area shall be “hardscaped” and have benches and other amenities including, but not limited to, pavilions, gazebos, neighborhood parks, and trails that accommodate and facilitate gatherings and other community use. The focal point shall be developed concurrent with the first phase of residential development. The exact design and location shall be approved by the Planning Department at the time of site plan and/or tentative subdivision review.
- E. Garages. Front loaded garages shall be located no closer to the street than the front façade of the dwelling unit.
- F. Driveways and Alleys. All private driveways and alleys serving residential uses shall be hardscaped. The exact treatment shall be approved at the time of plan review.
1. Alleys, where provided, will generally serve the rear or side portion of a lot.
 2. When provided, alleys will be located within a minimum eighteen (18) foot wide private easement.
 3. Alley pavement shall be a minimum of twelve (12) feet in width.
 4. All or part of the alley easement may be provided on a lot.
 5. Utility easements may be permitted in the alleys as allowed by Chesterfield County and private utility companies.
 6. Alleys will be privately maintained by a property owners association.
- G. Parking.

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1. If on-street parking is provided, those spaces shall be counted towards the required number of parking spaces for all uses.
2. Commercial or office uses shall provide parking based on 3.4 spaces per 1,000 square feet of gross floor area.
3. Parking may be further reduced based on Zoning Ordinance Section 19-512.
4. Parking shall not be required on each parcel or site where the use is located, but rather may be provided off-site, including on-street parking, subject to approval at the time of plans review, which may include requirements for easements.

H. Architectural Standards. Architectural treatment of the commercial buildings shall be compatible to that of River's Bend II located on Tax ID 815-652-7510. Compatibility may be achieved through use of similar building massing, materials, scale, colors and other architectural features, subject to review and approval by the Planning Department at time of Site Plan review.

IV. Requirements for Specific Uses.

A. Development of the "Office / Neighborhood Retail" shall conform to the following:

1. Uses shall be limited to the following:
 - a. Access to any land located in an agricultural, office, business or industrial district or access to any land used for agricultural, office or industrial purposes.
 - b. Bakery goods store.
 - c. Barber or beauty shop.
 - d. Brokerage.
 - e. Candy store.
 - f. Convenience store.
 - g. Nursery schools and child or adult care centers and kindergartens.
 - h. Offices.
 - i. Shopping centers
 - j. Tailoring and dressmaking shops.
 - k. Massage clinics.
 - l. Antique shops, not to include pawnbrokers, indoor and outdoor flea markets and secondhand and consignment stores.
 - m. Art schools, galleries or museums.
 - n. Catering establishments.
 - o. Churches and/or Sunday schools.
 - p. Furniture stores.
 - q. Hobby stores.
 - r. Libraries.
 - s. Medical facilities or clinics.
 - t. Medical and dental laboratories.
 - u. Messenger or telegraph services.
 - v. Rest, convalescent or nursing homes and other group care facilities.
 - w. Restaurants, to include carry-out restaurants, but not fast food.
 - x. Schools – music, dance and business.
 - y. Veterinary clinics, hospitals and/or commercial kennels.

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- z. Carpenter and cabinetmakers' offices and display rooms.
- aa. Greenhouses or nurseries.
- bb. Hotels.
- cc. Recreational establishments, commercial-indoor.
- dd. Schools – commercial, trade, vocational and training.-

2. Requirements.

- a. Development of commercial and office uses, shall conform to the requirements of the Emerging Growth Standards as defined in the Zoning Ordinance except as follows:
 - i. Front yard. Minimum of ten (10) feet.
 - ii. Side yard. Minimum of zero (0) feet.
 - iii. Corner side yard. Minimum of ten (10) feet.
 - iv. Rear yard. Minimum of twenty (20) feet.
 - v. Uses shall be limited to a maximum of 40,000 gross square feet. Each tenant space shall be limited to a maximum of 12,000 square feet.

B. Development of Residential Townhouse uses shall conform to the following:

- 1. Lot area and width. Each lot shall have an area not less than 1,520 square feet and a lot width of not less than nineteen (19) feet; except end lots in townhouse groups or rows having less than five (5) lots shall have a lot area of not less than 2,320 square feet and a lot width not less than twenty-nine (29) feet and end lots in townhouse groups or rows having five (5) or more lots shall have a lot area of not less than 2,400 square feet and a lot width of not less than thirty (30) feet.
- 2. Percentage of lot coverage. All buildings, including accessory buildings, on any lot shall not cover more than seventy (70) percent of the lot's area. No accessory building on any lot except for a private garage shall cover more than 225 square feet.
- 3. Front yard. Minimum of twenty (20) feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. Provided, however, where sidewalks and street trees are provided between the unit and right of way, setbacks may be reduced to zero (0) feet.
- 4. Side yard. A side yard of not less than ten (10) feet in width shall be provided for each end residence in townhouse groups or rows.
- 5. Corner side yard. Minimum of ten (10) feet.
- 6. Rear yard. Minimum of fifteen (15) feet in depth.
- 7. Driveways and parking areas. All roads, driveways and parking areas serving the general public shall have concrete curbs and gutters.

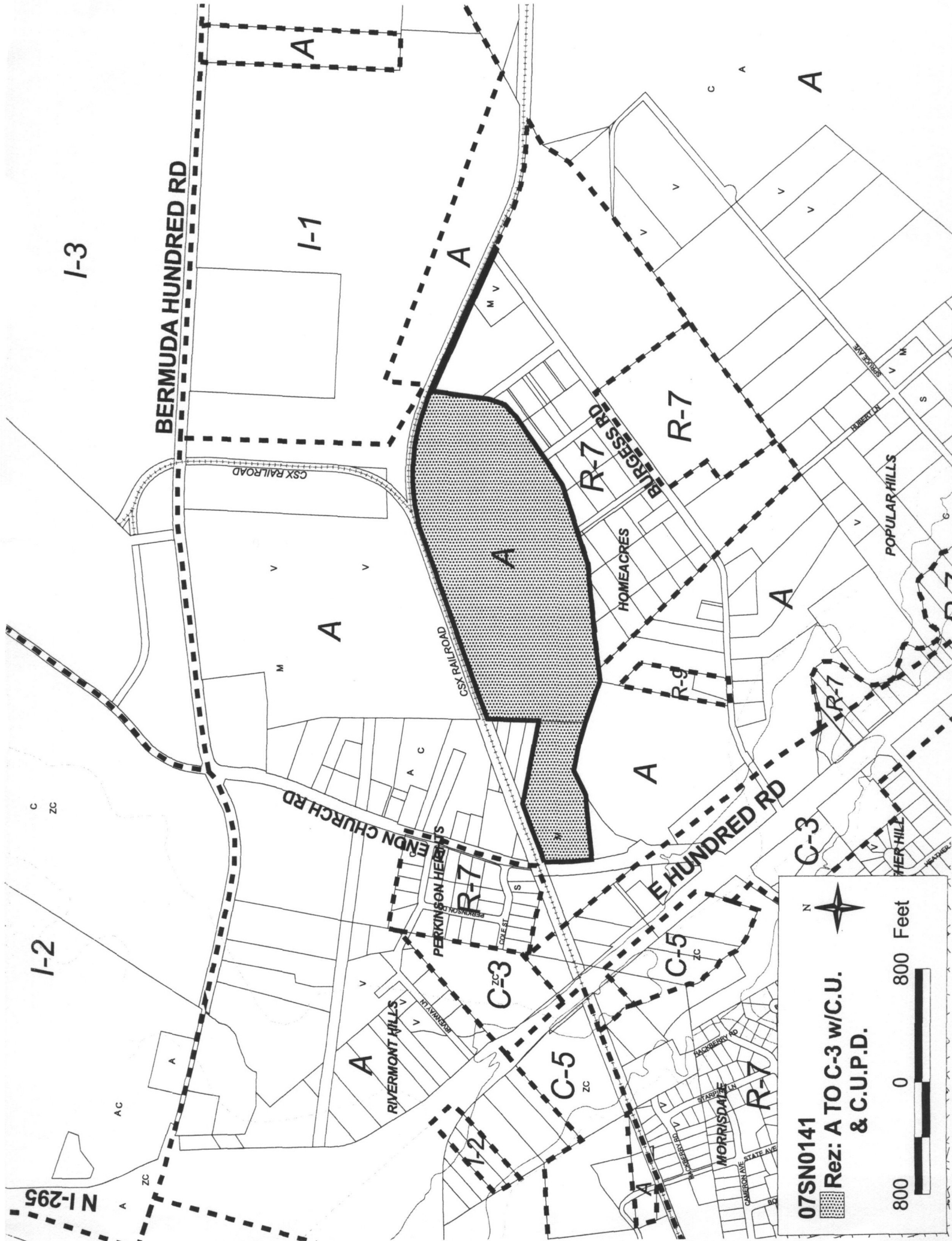
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8. Group or row design. The total number of lots within each attached group or row of townhouses shall be varied, but in no case exceed twelve (12).
9. Accessory Structures. Setbacks for accessory structures shall be as follows:
 - a. Front yard. Accessory structures shall be no closer than the front façade of the dwelling unit.
 - b. Side yard. Minimum of five (5) feet.
 - c. Corner side yard. Minimum of ten (10) feet.
 - d. Rear yard. Minimum of seven and one half (7 1/2) feet.

C. Development of Single Family Residential shall conform to the following:

1. Lot area and width. Each lot shall have an area of not less than 2,700 square feet and a lot width of not less than thirty (30) feet.
2. Percentage of lot coverage. All buildings, including accessory buildings, on any lot shall not cover more than seventy (70) percent of the lot's area.
3. Front yard. Minimum of five (5) feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
4. Side yard. Two (2) side yards, each a minimum of three (3) feet in width.
5. Corner side yard. Minimum of fifteen (15) feet.
6. Rear yard. Minimum of twenty (20) feet in depth.
7. Dwelling Size. The minimum gross floor area for each dwelling unit shall be 1,400 square feet.
8. Accessory Structures. Setbacks for accessory structures shall conform to the setback requirements for such structures in the R-12 District except as follows:
 - a. One (1) story accessory structures: The rear and side yard setbacks shall be as follows:
 - i. Side yard. Minimum of one and one half (1 1/2) feet.
 - ii. Rear yard. Minimum of ten (10) feet.
 - b. More than one (1) story accessory structures: The rear and side yard setbacks shall be as follows:
 - i. Side yard. Minimum of three (3) feet.
 - ii. Rear yard. Minimum of twenty (20) feet.

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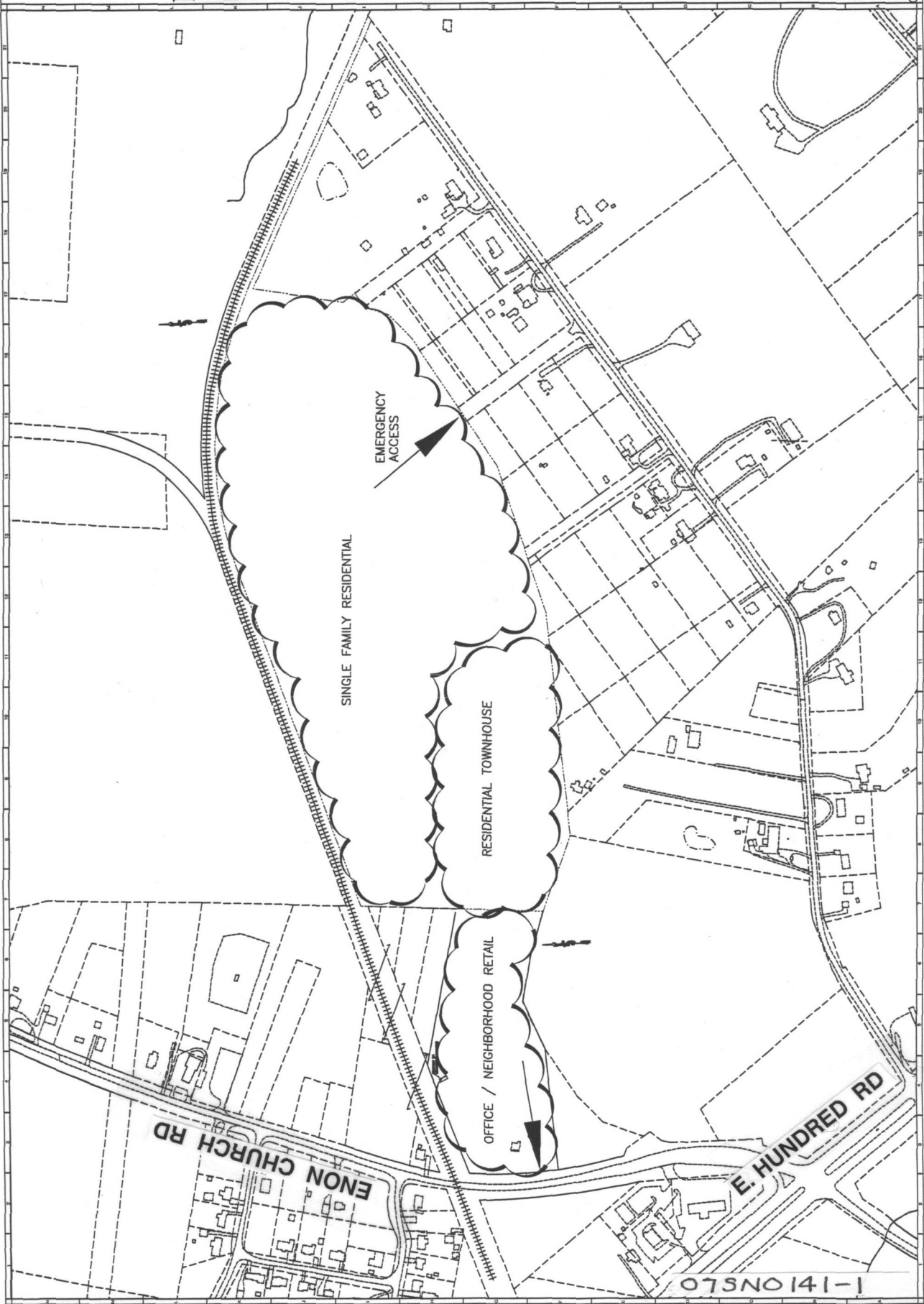
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